

COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

NINETEENTH REGULAR MEETING

The Council met: Tuesday, January 3, 2012.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Absent and Excused: None.

On motion by Alderperson Dekker and second by Alderperson Hammond, the reading of the minutes of the Eighteenth Regular Meeting held December 19, 2011, were approved as entered on the record, all Alderpersons present voting "Aye".

MAYOR'S ANNOUNCEMENTS

On motion by Alderperson Dekker and second by Alderperson Hammond, the following documents notated with an asterick (*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey – 15.

Nays: None.

REPORTS OF OFFICERS

***R. O. No. 324-11-12. By City Clerk. January 3, 2012.**

Submitting various license applications.

COMMERCIAL OPERATORS LICENSE APPLICATION (December 31, 2012).

No.	Name	Address
2826	Earth'N Oak	3824 Erie Ave.
2735	R & R Tree Cutting Service	6533 Hwy. 28, Sheboygan Falls

TEMPORARY BEVERAGE OPERATOR'S LICENSE

No.	Name	Address
8497	Collins, David S.	1023 Sommer Dr.

***R. O. No. 325 - 11 - 12. By SHEBOYGAN TRANSIT COMMISSION. January 3, 2012.**

Your Commission met and discussed R. O. No. 238-11-12 by the City Clerk submitting a communication from Josie Ortiz regarding the treatment of her sister when trying to board a City bus; recommends that the document be placed on file.

R. O. No. 326 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting a Citizen Complaint from Patrick Gillette against Mayor Bob Ryan.

A motion by Alderperson Bohren and second by Alderperson Dekker to refer the document to Special Prosecutor Biskupic was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-13.

Nays: None.

Abstain: Kittelson, Matichek-2.

A motion by Alderperson Carlson and second by Alderperson Hammond was made to file the document. No vote was taken.

A motion by Alderperson Roeseler and second by Alderperson Hammond to reconsider the previous vote was lost on call of the roll:

Ayes: Carlson, Hammen, Hammond, Matichek, Roeseler, VanderWeele-6

Nays: Boeldt, Bohren, Dekker, Heidemann, Kath, Sampson, Van Akkeren, Versey-8.

Abstain: Kittelson-1.

As stated in the original motion, the document will be referred to the Special Prosecutor.

R. O. No. 327 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting a communication from Paul Rutledge, President of Sheboygan Blue Line Association, wishing to submit official notification that they desire to extend their lease upon expiration of the current 10 year term which will

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expire in 2013. They are also seeking approval from the City to place a mortgage lien on the building and equipment located at 1202 S. Wildwood Ave. in order to purchase and install a new bleacher system that will enhance patron safety and increase seating in the arena.

Was referred to the Committee on Finance.

R. O. No. 328 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Committee on Law and Licensing.

R. O. No. 329 - 11 - 12. By DEPUTY FINANCE DIRECTOR/TREASURER. January 3, 2012.

Submitting the Harbor Centre Marina Balance Sheet from Operations dated November 30, 2011, as submitted by Skipper Marine.

Was referred to the Marina and Harbor Committee.

R. O. No. 330 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting an Alarm Business Permit License application #2663 for Vivint, Inc., 4931 North 300, West Provo, UT 84604.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 331 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting a communication from Douglas Byerly requesting a marked handicapped spot in front of his home at 1028 Grand Ave. and there is great difficulty parking within 2 blocks of his home when North High School is in session.

Was referred to the Committee on Public Protection and Safety.

R. O. No. 332 - 11 - 12. By DEVELOPMENT MANAGER. January 3, 2012.

Submitting a communication from Chad Pelishek, Development Manager, requesting that the 8th Street Boat Launch be closed to public use for dredging activities during the 2012 season and authorizing the Public Works Department to not install docks for the season.

Was referred to the Committee on Public Works.

R. O. No. 333 - 11 - 12. By DEVELOPMENT MANAGER. January 3, 2012.

Submitting a request from Chad Pelishek, Development Manager, for the U.S. Army Corp of Engineers to utilize the parking lot to the west of the Former Armory, 516 Broughton Drive, as a staging and storage site for the Strategic Dredging project to be undertaken in 2012, as depicted on the attached drawing. Under the current plan, the Corp of Engineers would obtain a Right of Entry from the City of Sheboygan, to authorize and allow their contractor access to this property for the staging and storage of materials during their dredging operations from the 8th Street Bridge to the mouth of the River.

Was referred to the Committee on Public Works.

R. O. No. 334 - 11 - 12. By CITY CLERK. January 3, 2012.

Submitting a Written Notice of Circumstances giving rise to Claim and Claim pursuant to Section 893.80(1)(a), Wis. Stats. (1995-96) in the matter of Mr. Gary Niemann of the City of Sheboygan Department of Public Works.

Was referred to the Special Committee on Risk Management.

RESOLUTION INTRODUCED

Res. No. 123 - 11 - 12. By Alderperson Roeseler. January 3, 2012.

A RESOLUTION accepting the agreement with Sheboygan Professional Police Officers' Supervisory Association, 2012 – 2014, and authorizing the Collective Bargaining Committee and the Chairman of the Committee on Salaries and Grievances to sign the agreement.

RESOLVED: That the agreement with Sheboygan Professional Police Officers' Supervisory Association, 2012 – 2014, a copy of which is on file in the office of the Human Resources Department, is hereby accepted and ratified.

BE IT FURTHER RESOLVED: That the members of the Collective Bargaining Committee and the Chairman of the Committee on Salaries and Grievances sign the agreement on behalf of the City of Sheboygan.

On motion by Alderperson Roeseler and second by Alderperson Hammond, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammen, Hammond, Heidemann, Kath, Kittelson, Matichek, Roeseler, Sampson, Van Akkeren, VanderWeele, Versey-15.

Nays: None.

Res. No. 124 - 11 - 12. By Alderpersons Bohren, Dekker, Hammond and Kath. January 3, 2012.

A RESOLUTION authorizing the presiding officer at city meetings the discretion to utilize written confidentiality agreements for closed sessions.

Was referred to the Committee on Law and Licensing.

REPORTS OF COMMITTEES

***R. C. No. 275 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. January 3, 2012.**

Your Committee to whom was referred R. O. No. 320-11-12 by the City Clerk submitting a communication from Four Seasons Comfort LLC requesting a settlement to lower the penalty fees for installing furnace units; recommends that the document be placed on file.

***R. C. No. 276 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred R. O. No. 259-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License application #9374 be denied based upon her failure to accurately reveal all relevant convictions on her Beverage Operator's License application, her record of violations related to the licensed activity, and her record as a habitual law violator.

***R. C. No. 277 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred R. O. No. 283-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that Beverage Operator's License application #9384 be denied based upon his failure to accurately reveal all relevant convictions on his application and his failure to cooperate with the Committee.

***R. C. No. 278 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 259-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following license be granted:
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.	Name
9375	Grube, Mandy L.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 279 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 295-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:
BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

No.	Name
9403	Gonzalez, Amanda M.
9404	Koeser, Ashley J.
5192	Pitsch, Timothy J.
9401	Watson-Schramm, Crystal P.

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

No.	Name
9396	Martinez-Gomez, Marcial *Application withdrawn

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 280 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred, pursuant to R. O. No. 318-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2012 and June 30, 2013; recommends that the following licenses be granted:

CHANGE OF AGENT

Daniel Duncan is replacing Gregory Nonnemacher as agent for the Pick N Save located at 2213 Calumet Drive.

CHANGE OF PREMISE

No.	Name	Address
1833	Champs Sports Bar	1501 Indiana Ave. - one-day event to be Held 1/14/2012 to include all of the parking lot on the Southside of building.

2711	Anglers Avenue	510 South Pier Dr. – (PERMANENT) to expand
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into 518 South Pier Drive and to include two patio areas on the north side of building.

***granting Anglers Avenue contingent on receiving proper encroachment agreements for the portion of property encroaching on City right-of-way, and contingent upon receiving any necessary permission through zoning for the outdoor patios.**

CLASS "B" FERMENTED MALT BEVERAGE (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2876	Asia's Finest Cuisine	1721 Calumet Dr.

CLASS "C" WINE(June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2876	Asia's Finest Cuisine	1721 Calumet Dr.

BEVERAGE OPERATOR'S LICENSE (June 30, 2013)

<u>No.</u>	<u>Name</u>
9413	Dietz, Kaitlin M.
9409	Franco, Marc A.
5546	Gross, Travis J.
9406	Harvey, Sally A.
9408	Langland, Andrew J.
5249	Nennig, Nathan S.

TAXICAB OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9411	Ramirez, Roxanna M.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

***R. C. No. 281 - 11 - 12. By LAW AND LICENSING. January 3, 2012.**

Your Committee to whom was referred Gen. Ord. No. 60-11-12 by Alderperson VanderWeele repealing and recreating Section 2-842 of the Sheboygan Municipal Code relating to retention/disposition of city records; recommends that the Ordinance be passed.

ORDINANCE ON SECOND READING

***Gen. Ord. No. 60 - 11 - 12. By Alderperson VanderWeele. December 19, 2011.**

AN ORDINANCE repealing and recreating Section 2-842 of the Sheboygan Municipal Code relating to retention/disposition of city records.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-842 of the Sheboygan Municipal Code entitled "Destruction of records" is hereby repealed and recreated to read as follows:

"Sec. 2-842. *General city records retention/disposition schedule.*

(a) The purpose of this section is to establish a general city records retention/disposition schedule and authorize destruction of city records pursuant to the schedule. Records custodians may destroy a record prior to the time set forth in this schedule only if such record has been photographically reproduced as an original record or converted to optical disk format pursuant to W.S.A. § 16.61(7).

(b) Where indicated in the records retention schedule, the State of Wisconsin Public Records Board has waived the required statutory 60-day notice for city records; therefore, for those records, notification to the State Historical Society of Wisconsin is not required prior to destruction.

(c) The general City of Sheboygan Records Retention/Disposition Schedule, as approved by the State of Wisconsin Public Forms Board on December 6, 2011, is hereby adopted, a copy of which is on file in the office of the city clerk and made a part hereof by reference as though fully set forth herein.

(d) Destruction of records pursuant to the approved retention/disposition schedule is contingent upon the restrictions to record destruction contained in W.S.A. § 19.35(5), (Open Records Law), and that no records shall be destroyed if litigation or audit involving those records has commenced."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

MATTERS LAID OVER

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R. O. No. 314 – 11 – 12. By CITY CLERK. December 19, 2011.

Submitting an application for a private well permit for Gerald J. Geibel,

On motion by Alderperson Dekker and second by Alderperson Hammond, the Report of Officer was accepted and placed on file, all ayes.

There being no further business, on motion by Alderperson Dekker and second by Alderperson Hammond, the meeting was then adjourned, all Alderpersons present voting "Aye".

Mayor

City Clerk